579-98

LR

G. R. S. IX-5]

Previous references.

(1887-88.)

191 .

(L. R.)

File No. 26-87

Serial Nos. 1-22

Later references.

R64-1900

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-22

In ~~Part~~-B for October 1900

SUBJECT.

Survey Settlement of the Jodi Village of Harihalli in the Kanjarakad Taluk.

W D 1250—GPB—30,000 - 28-1-19

Index

Subj to 2nd Grounds

Note

Ref - Judgment of the Chief Court in SA No 71 of 1894-95. (Sho 16 in Kupple)

In this case the plaintiff - who is one of the petitioners of Jodi Harohalli, Manparabad taluk - filed a suit in the Court of the Munsiff of Hunsur for recovery of Varum from a tenant of his

The defendant pleaded that Resd-Survey Settlement had been introduced in 1888 under the provisions of Notifn No 271 S. 15/11/83 (P 32. Rev Manl) and that he was bound to pay only the Kandayam fixed at the settlement, but failed

with great respect to the Judges of the Chief Ct who decided SA 71 I am inclined to think that the Judgt is wrong. It is remarkable that this case refers to the same village as was referred to in the case of 1893. The decision did not turn upon a question of fact and the raising of pleas was not one of the legal incidents under the old rules - ~~Rejoin~~ On the former occasion the Chief Ct sent for the references from the Deputy's office - & this was altered from the Judgt itself - The distinction drawn is not very important or material & the Chief Ct could have now ascertained the facts again in the same manner. The Judgt may however be pleased to see the present situation that in the same village there are are two conflicting Judgts & the effect of a settlement under Sec 120 or the New Rules for which it was substituted has been rendered uncertain & revocable at the will of the Court instead of the Legislature

14.12.98

Sno 5 on the open file
shows that proposals for
the introduction of survey rate
were not submitted for
the sanction of Govt. in the
first instance in accordance
with the practice in Bombay
under Act I of 1865. Sno 6
shows that this settle-
ment was afterwards approved by
Govt. or at any rate came
under the notice of Govt.

In the case under discussion
it was the defendant's own
claim that led to the
claim being allowed, as
he failed to produce evidence
even when the first appeal was
remanded by the Dt. Judge
to the Municipality for production of evidence.
= The noticeable feature is

that the blank ... from the
extreme view that ... there is
nothing in the motion to justify
the holding that ... the
restriction of the Writ under
Rule VII ... of
at liberty to ... the
... from the ... of
... the ... Rule ... of
the ... Rule allows the ... to ...
This view is ... with
with the view recorded in the ...
... No ... 1/3 that the
former ... are ... obstacles
declare ... the other ... Magistrate
it ... from ... the
provisions of the ... Act
of the Defendant's ... 5
Protocol ... certain grounds

Off'g Dillon's remarks

The question is whether a Jotidar is at liberty to demand from his tenants more than the Kandayan fixed at a survey settlement introduced while the village was under Govt. management.

The Chief Court in S.A. 71 of '94-95 answer the question in the affirmative. If so, now represented by Govt. Pleaders must that ruling be considered with a previous judgment relating to Athdasa village

14 146.

The Govt cannot interfere with the first 4 tenants —

The matter may be dropped unless any thing suggests what he proposes to do —

Off
3/9/00

Secd Board
3-9-00

R.T. Mr
4.17.00

We cannot
then interfere with
the finding. What we
must think will introduce
a rule by which we
should make it
obligatory on the part
of the Secretary of State
to state in what form
restoration is ordered
Respect such settle
-ments. Send this
finding to the Sup.
of Surveys & ask
him whether a
rule as proposed
above is called for
or what he would
from both state
the effect of the
finding render to
the settlement
uncertain & liable
to be upset by
such proceedings

(illegible)

12.IX.00

Write a despatch
& print as also
the finding

A fair copy of the note put up in the order of the Asst Secretary

20.7.01

office note.

In Ord: No. 2996–3004 O.S. 9.98 dated 11.10.00, the Govt called for the opinions of the Survey Supdt and the Dy Comrs of Districts as to whether a rule might be laid down in making it obligatory on the part of the holders of alienated villages to respect the settlements effected during the temporary management of such villages by Govt; under Section 120 of the Land Rev. Code.

The Survey Supdt in his letter No 372 dated 5.2.00, discusses at great length on the subject and states that the code is sufficiently clear on the point mooted; that the framing of such a rule would be in no way inconsistent with the code; that a rule with the above object might be framed under

under Section 233 to re-move all doubt regarding the intention of the code and that he sees no reason why the rule should not be made applicable to all villages whether settled whilst under Govt management or under section 236, on the application of the ~~Inamdar~~ holders.

The Deputy Commrs of
1) Kadur (No 374 dated 21.12.00)
2) Tumkur (No 646 dt 9.1.01)
3) Mysore (No 694 dt 17.1.01)
and
4) Hassan (No $\frac{158}{S}$ dt 26.6.01)
Districts are of opinion that the framing of such a rule is highly desirable.

The Deputy Commrs of Chitaldrug, Kolar and Shimoga (No 8) are however of different opinion. The Dy Commr Chitaldrug (No 501 dated 12.12.00) states ~~in~~ that in cases when Inam villages come under Govt management for default of Inamdars to pay arrears of Jodi, only such temporary measures

measures should be adopted as are necessary to secure the payment of revenue due to the Inamdar; that any settlement introduced for this purpose should (unless the Inamdar wishes to have the settlement binding on him), remain in force only so long as the village continues to be under Govt management.

The Deputy Commr Kolar Dt (No 2411/405 dated 26.12.00) merely states that he is of opinion that it would be difficult for Govt to enforce such a rule without infringing the rights vested in Jodidars by immemorial usage.

The Deputy Commr Shimoga Dt (No 750/604 dated 11.3.01) states that the Notification No 27 of 1883 was not repealed by the Revenue Code expressly, and must be held (under Section 233 and para 2 of Section 2 thereof) to be still in force;

that the construction put upon the said notification in case No 58 of 1893 shows that its effect is to render the position of Govt during the management of alienated villages one of a full proprietor; and as shown very cogently therein the Rajah when restored would be bound to respect all the legally valid settlements; that in this view it seems unnecessary to lay down any new rule at all, that the parties may be left to enforce their mutual rights and obligations under the general law; that, if it is meant that any orders passed by Collectors without Govt sanction should be held as ratified under the proposed rule, he is of opinion that such a rule should not be made as such settlements should always be sanctioned by Govt after consideration in each

each case; that Section 106 in fact requires an order of Govt before any Survey settlement can be legally introduced that ~~the proposed rule~~ after all it is doubtful whether the proposed rule would not be ultra vires; that Section 2 would invalidate any rule which is inconsistent with the Rev. Code; that Section 120 contains the clause "for so long a period as the said village or estate shall be under the management of Govt officers"; that if this is held to qualify the whole of the preceding clauses it seems to limit the effects of the general law on settlements introduced by Govt; and that on the whole he is inclined to consider that the new rule is unnecessary or if introduced, it should be

by adding an amending clause to the provisions of the Rev. code.

The Dy Comr Bangalore Dt (Mr Venkata Varadhiengar) had not sent his opinion and the present Dy Comr in his Docket letter No 1881 dated 1.7.01 reports that he had already given his opinion as Dy Comr Chitaldrug Dt.

8/7/01

COURT FEE INDIA MYSORE ONE RUPEE

COURT FEE INDIA MYSORE ONE RUPEE

ಸಂ 2932

(1)

Forwarded to H/Com
for disposal & Govt
a report by mahajanaru

[redacted]ದ ವೃತ್ತಿವಂಕರಿಗೆ ಚುಮಾಕುಳುಕಾನು ಮಾಡಿಕೊಂಡುವದಾದ
"ವುಗಳ್ಳುಕುಳ್ಳುಚಾಂದಿನಮೂಣಾಕುಂದಾಯದಮಣಾಕೊಂಡುವದಲ್ಲ
ವೃತ್ತಿವಂಕರಿಂದಲೆವಸೂಲು ಮಾಡಿಕೊಳ್ಳಬೇಕ್ರುನಾವುಗಳ್ಳು ಮಾಮೂ
ಲುಪ್ರಕಾರವಾರಗುತ್ತಿಗೆಕೊಂಡುಕ್ಕೇವೆಲಾಬ್ದಾಂದಚಾವಂದರುಣಾದನ್ನೆಲ್ಲಾ
ವಿಚಾರಣೆಣಾಂದ ಚುಮಾನುನಂಮ ಮೊಕಂಗೆ ಪತ್ಕೆಮಾಡ್ಸಿಕೊಟ್ಟರೆ
ಸದ್ರಿಚುಮಾನನ್ನು ಆಧಾರಮೋಲ್ಗವಂನುಮಾಡಿಸರ್ಕಾರದಕುಳ್ಳುಚಾಂ
ದಿನಮೂಣಾಕೊಂಡುಕ್ಕೇವೆಬರ್ತ್ಕೆಕರಮ್ಮೇಲೆಪೂರಅಂಕಕ್ಕಕುರುಣಾ
ವಿಳ್ಳುಣಾಂತಾರ್ನುಪುಕುಂಅಪ್ಪುಣಾಕೊಂಡಿನಚೀಕಾಗಿಬೇಡುಕ್ಕೇವೆ
ವೃತ್ತಿವಂಕರುಸರ್ಕಾರದಕುಳ್ಳುಚಾಂದಿನಮೂಣಾವಂನುಕೊಟ್ಟುಕ್ರ್ಮೆಕರಾಚನಂ

ಕಂಗಿಗಾತನಗಿಕೆಲುಜು
ಯುಳ್ಳಿಗಾತನಗಿಕೆಲುಜು
ಕಿಂಮರಾಯಿಗಿಕೆಲುಜು

ಮಹಾರಿವಳ್ಳಯಲ್ಲಿಇರಕ್ಕುಚಿಮಾನನ್ನಕ್ಕೆ
ಗಕೆಕ್ಕುಣಿಕರಂಗಿಕೊಡುಕ್ಕೇವೆಂಬಕೆಲುಮಾ
ನಂನನಾವುಚಿಡಕಕ್ಕುವರಲ್ಲುಮಾಮೂಲು
ಪ್ರಕಾರವಾರಗುತ್ತಿಗೆಕೊಡುಕ್ಕೇವೆ

[redacted]
ಸೆರಪ್ಪಗಿಜಕೆಲುಜು
ಯಡಕ್ಕಗಿಜಕೆಲುಜು
ಯಿಗಟ್ಟರಮೆಯಕ್ಕಗಿಜಕೆಲುಜು
ಮೊಕ್ಕಗಿಜಕೆಲುಜು
ಕಂಗನಗಿಕೆಲುಜು
ಬ್ಯಾಲಂಗನಗಿಕೆಲುಜು
ಸಿಡ್ಡಿಗೌಡನಮಗಿಗೆಲುಜು
ಕೆಪ್ಪಿಗೌಡನಗಿಕೆಲುಜು
ಕೆಂಚಿಗೌಡನಕಿಯ್ಯಗನಲುಜು
ಚಿಕ್ಕಗ್ನನಗಿಕೆಲುಜು
ಗುಂಡಿಂದನಗಿಕೆಲುಜು
ನಂಗನಗಿಕೆಲುಜು
ಕ್ರಂನನಗಿಕೆಲುಜು
ಕಿಂಮನಗಿಕೆಲುಜು
ಕೆಂಕ್ರನಗಿಕೆಲುಜು
ಗಾಮಕ್ರಿಲ್ಲನಲುಜು

Enclosure in Chief Secretary's letter regarding the erection of Church, Chapels & Cemeteries &c. &c.

(General Serial No. 297)

1888

From The Deputy Commissioner, Hassan District

To The Secretary to the ~~Chief Commissioner~~ Diwan of Mysore ~~Department.~~

Dated 19th March 1888

Despatched 23rd March 1888

Received

Enclosures No. Ver. papers.

General No. 523 } 1887—8.

~~Accn~~ No.

R. 26-87-1

Submitting report on petition from Ranga gowda and others of Kadagadde Village, Manjarabad Taluq

(3)

Dated ~~Cant~~ Hassan
19th March 1868

No 5-23
Secy
Rec. 6.4.

From

P. N. Purnaiya Esquire
Deputy Commissioner
Kapundistrict

To

The Chief Secretary to the
Govt of Mysore

Sir,

I have the honour to acknowledge the receipt of your F. Memo No 668 dated 9th January last forwarding for report a Petition from Ranégouda & others of Kaggodé village attached to the Jodi Hanchalli, Mangalured Taluk & to state as follows.

2. The Jodi village in question is at present under Government Management for arrears of outstanding

up to the Survey department for
scrutiny & confirmation.
Under such circumstances
Jamabandy of the village could not
be concluded for 1867-8 according
to Survey settlement, along with
the Revenue Jamabandy of the Taluk.
The last years' arrears will
have to be rectified & the Jamabandy
of the village will have to be
settled as soon as possible
in due course; but in the
meanwhile the Judicans object
to the introduction of the Survey
settlement of the village. The
Bandh arrears will be
recovered from the Judicans
who have arranged for it. The
Judge sufficient to realize the
amount due attached according
sale. Arrears thereafter will
very shortly be cleared and

the

(4)

LR 26-87-2

Read:- Letter No. 523 dated 19th March 1888 from the Dy. Comm. of Hassan, soliciting orders as to whether the Jodi village of Harikalli in the Manjarabad Tk, now under Govt. management for arrears of Jodi, may be restored to the Jodidars without the Revenue Survey Settlement for which every preparation has been made.

Order thereon:-

No: 557/1-5
102

13-8-1888

The Supt. of Revenue Survey & Settlement will be requested to report, with reference to the letter read above (Copy forwarded), whether the Revenue Settlement was introduced into the Jodi Village of ~~Harvalalla~~ Harikalli in 1887-88 by the public announcement of rates. If this has been done the Settlement must be held to be Complete, though the Departmental Scrutiny of the Cultivated and other Settlement papers may still be in progress.

The rates introduced
have not received the
Sanction of the Govt. E.
~~and information is~~
~~requested~~ as under the
Act, and an explan
nation is requested
upon this point.

Whether the Settlement
is held to be Com-
pleted or not, ~~the~~
~~Govt. are of opinion~~
~~It is~~ the Cancelment
of the Survey Operations
Carried on under
S. IV of Notn No. 271
dt 15th Nov 1903 appears
to be most undesirable,
Especially as the arrears
due have not yet been
fully liquidated, &
the Ryots are opposed
to the Cancelment

3. The Supt Rev Surveyor will be requested to furnish the usual information regarding area, classification & rates, in order that further Complications may be avoided by the formal Sanction of the Settlement, from with effect from the date of its actual introduction by

13/8/08

To. The Superintendent,
Revenue Survey & Settt.

" The Dy Comm^r, Hazaribagh

Survey No. 47.

1888. 3871

From The Superintendent Mysore Revenue Survey.

To The Chief Secretary to the Dewan of Mysore.

Dated 17th August 88.
Despatched
Received

ENCLOSURES No. 1

No. 344 of 1888.

Reporting, as desired, that under Act I of 1865 it was ruled by the Bombay Government that the submission of proposals for the introduction of the survey assessment in Inam villages in already settled Taluks might be dispensed with, & that the same practice has been followed in Mysore.

Jas. W. Radcliffe
Lt.

(5)

No. 344

Survey Superintendents Office
Bangalore 17th August 1888.

To,

The Chief Secretary
to the Dewan of Mysore.

Sir,

I have the honor to report as follows, with reference to the orders of the Dewan No. 3594-3/102 dated Bangalore the 13th Instant on the subject of the Survey Settlement of the Jodi village of Harihalli in the Manjarabad Taluk.

2 There can be no doubt, I think, that the announcement and introduction of the rates are identical & the Settlement must in the present

proposal cases be considered
to be complete.

3 Under the provisions of the
recited Act no land subject
however to such legal liens or charges
proposals should be entertained
for the introduction of the
Survey after the date
village land under sixty
of 1876 it was provided by the
Bombay Government Resolution
5921 of 16th November 1876
that the selection of the
case of certain villages
already settled should be dispensed with;
whereas the same practice
has been followed.

Since the Government
[illegible]
[illegible]

(General Serial No. 30)

1888.9

From

To The Deputy Commissioner
Hazaree District.
Camp Sultanpur via Mymensingh

Dated 10th Septr/88.

Despatched

Received

Enclosures No.

Camp ~~General~~ *No.* 1083 & 1084

No.

(6)

Copy

Mr Dy Commr Kurnool Camp No 1083
Dt 10/15 Sept 1888

Sir.

LR 28-87-4

In reply to your No 523 of 19th inst last reporting that the Ennumdars of Karkalli of the Ennijambad Talug are against the introduction of the Survey settlt into the Village which is now under Joint management, & suggesting that the Village may be restored without the introduction of settlt, the Ennumdars paying up the Entire arrears, I am directed to state that the Rejection of the parties concerned cannot be recognized at this stage of proceedings, the rates having already been announced & introduction of the settlt. being thereby completed.

L.R. 26-8-90 5

(General Serial No. 32.)

1890.

No. 1129

Name of Petitioners Ramakrishnaiah and other ryots

Village. Kadagatha

Taluk. Channarayapatna

District. Hassan

Date of Arzi. 7-8-90

Date of Receipt. 14-8-90

Date of Disposal.

No. of Enclosures.

Submitted with reference

17/10/90 A.R.

P.W.D. Dept

1 Mde Dept to Dept
2 Dhas taken two months to find out
Officers in the Mofussil -
If petn had been
sent to Dept - the
Govt have long ere
this satisfactorily decd
a report with Papers quoted
for -

Mds 9/10/90

ABSTRACT.

State that the Kandayam due by them to the Jodidars was collected by the Amildar for the arrears due by the Jodidars to the Government by saying that the 'Katha' of the land will be registered in their names. The Amildar now refuses to receive the Kandayam from them. Their several petitions to the Taluk & District Offices have no effect. Pray that the Kandayam may be collected direct from them by the Government and ~~their name~~ the 'Khatha' of the land may be registered in their names.

A
16-10-90

14-8-90

No. 14

1129

Received 16/8/90

J

No 565

Received 1/11/90.

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 1129

dated 7 Aug. received at the

Dewan's Office from Ramakrishnia & other ryots praying for the collection of revenue and applying for lands in their name in the Inam village of Kanchalli in Mangalabad Taluk

is forwarded, together ~~with its enclosures~~, to the D.C. Bangalore for disposal & a brief report of the final action taken. The D.C.'s attention is invited to correspondence ending with Pro: Cam: No 1083-5 dated 20th Feb 1890

By Order,

Chief Secretary

BANGALORE,
19-10-1890.
3-11-90

R 26-87-6

Recd 1/11/90.

Note

8286
P. 41

(General Serial No. 30.)

189/92

From The Commissioner
Nagamangala Division

To The Chief Secretary to the Dewan
of Mysore

Dated 30th November 91

Despatched "

Received

Enclosures No. 1

General No. 594
No. 589

Submits report on the petition of Ramakrishnaiya and other ryots of the Inam villages of Anchally Bommenahalli Taluk.

Peter Pereira 4/12/91

Submitted.
7th Dec. 91. AR

Recorded with the remark that it would be necessary to grant a year's time to submit this report 180 letters written

Drafted 15/12

L R 26-87-7

15/12/91

No. 10205

123

B2
4-12-91

(8)

No. 594
Secy
Rec'd

From

The Commissioner's Office
Kaipan District
Dated Kaipan 30th Nov. 1891

The Commissioner
Kaipan District

To,

The Chief Secretary to the
Govt. of Mysore,

Sir

With reference to the
Official Memorandum
No. 565 dated 3rd October 1890
forwarding petition No. 1129
dated 7th August presented
by Ramakrishniah and
others praying regarding the
Collection of Revenue and
Registry of lands in their
names in the Inam villages
of Anihalli of Manjanabad
Taluk, I have the honor to

request that the Village
question which remains for
Management for liquidation
of arrears may be brought under
any operation under
the liquidation of arrears
the Judicature established for the
Restoration of the Village
and protested against the
introduction of settlement
which was responded on their
office dt 5 2 3 dated 20th March
1888 The decision of Government
was communicated in
the Chief Secretary's letter No
1083 dated 10th September 1888
to the effect that the objections
of the Ivory Estates Company
cannot be recognized at
this stage of proceedings.
The rates have already been

announced and the introduction of the Settlement completed. -

The petitions have been endorsed in the terms of the said decisions. -

The Enclosure of the Memo is herewith returned.

I have the honor to be,

Sir,

Your most obt Servt

Hy Thomson

Offg Dy Commissioner

Darjeeling Dist.

(General Serial No. 30.)

1891. (19)

From

The Chief Secretary to the Dewan of Mysore.

To

The Deputy Commissioner
Hassan Distt.

~ R 26-87-8

Dated 15 December 891.

Despatched 21 do.

Received

Enclosures No.

General No. 10204 R.
P. No. 723.

His letter N°594 dated 30th Novr 891, submitting report on the petition from Rama-Krishniah & others of Arékalli, Manjarabad Taluk, in ré the collection of revenue and registry of lands in their names in the said Inam village

Recorded with the

the remark that
it did not require
a year and more
to determine the above
report.

K C

Chief Sec

cab 191
15/12

LR 26-87-9

(General Serial No. 32.)

1892.

(11)

No. 782

Name of Petitioner. Dyave Gowda & others Mots

Village. Jodi Hanchalli

Taluk. Manjerabad Sq

District. Hassan

Date of Arzi. 21-9-92

Date of Receipt. 24-9-92

Date of Disposal.

No. of Enclosures. Nil

ABSTRACT.

The Village was once resumed & Govt & survey settlement introduced: the Mots were accordingly required to pay cash kandayam hereafter. The Village was again restored to the Inamdars, who again began to trouble the Mots to pay Kandayam in kind: Govt. directed the Inamdars to collect Kandayam in cash: Nevertheless the Inamdars sued the Pets. for arrears & have obtained a judgment agst the Pets: Pray for enforcement &c.

Mysore Govt. Central Press Bangalore—7-9-92,—1000.

Govt order

LR 26-9-92

Report that if they should produce a copy of the Civil Court proct. complained of

BO
5/11/92

20 B. 0/5/8888

10-11-92

7820
24-9-92

One Rupee Stamp affixed

BP. Mukherjee

HR 26-87-10

Submitted.

The Jodi village of Hari halli in the Manjarabad taluk was resumed & brought under Govt management in 1887-8 on account of arrears of Govt Revenue.

While the village was under Govt management the new settlement was introduced. The Jodidars paid most of the arrears & objected to the introduction of the new settlement. The Reports were for the settlement. The Dy Com reported the matter in March 1888. and asked whether the settlement might not be given up & the village restored to the Jodidars.

The objection of the Jodidars was not recognised, the introduction of the settlement having been completed. (vide this office No. 1083 of 10-9-88.

In Sept 90 some of the Jodidars complained that the Govt refused to receive Kandayam direct from them & prayed for the regrant of the lands in their name. The Dy Com reported that the Petitioners had been informed of the decision of the Govt referred above - (No 1083), and the report was recorded.

P.T.O.

(General Serial No. 32.)

1892.

No. 1405

Name of Petitioner. Kempegowda and others

Village. Kadegadde.

Taluk. Manjarabad

District. Hassan

Date of Arzi. 4/12/92

Date of Receipt. 7/12/92

Date of Disposal.

No. of Enclosures. 1

ABSTRACT.

As directed by this office endorsement - No 782 of 10. Petitioners produce a copy of the Hassan Munsiff's decree in original Suit No 469 of 91, against which they have appealed.

S.V. 10/12

Mysore Govt. Central Press Bangalore—7-9-92,—1000.

MYSORE
PETITION
RECD. 1405 R
DATE 7-12-92

(12)

4/2/93

ಸಂ 1

ಮಾನ್ಯರೇ,

ನಾನು ಕೆಲಸ ಮಾಡುತ್ತಿರುವ ಸಂಸ್ಥೆಯಲ್ಲಿ ಸಂಬಳ ಸಹಿತ ರಜೆಯನ್ನು ಪಡೆಯಲು ಅರ್ಹನಾಗಿದ್ದೇನೆ. ಆದರೆ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ಮಂಡಳಿಯವರು ಸಂಬಳ ಸಹಿತ ರಜೆಯನ್ನು ಕೊಡಲು ನಿರಾಕರಿಸಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ಸಂಬಳ ಸಹಿತ ರಜೆಯನ್ನು ಕೊಡಿಸಲು ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕಾಗಿ ಕೋರುತ್ತೇನೆ.

ಸಂಸ್ಥೆಯ ಆಡಳಿತ ಮಂಡಳಿಯವರು ಸಂಬಳ ಸಹಿತ ರಜೆಯನ್ನು ಕೊಡಲು ನಿರಾಕರಿಸಿರುವುದಕ್ಕೆ ಕಾರಣಗಳನ್ನು ಕೇಳಿದಾಗ ಅವರು ಹೇಳಿದ್ದು ಹೀಗೆ: ಸಂಸ್ಥೆಯ ಆರ್ಥಿಕ ಪರಿಸ್ಥಿತಿ ಚೆನ್ನಾಗಿಲ್ಲ. ಆದ್ದರಿಂದ ಸಂಬಳ ಸಹಿತ ರಜೆಯನ್ನು ಕೊಡಲು ಸಾಧ್ಯವಿಲ್ಲ. ಆದರೆ ಸಂಸ್ಥೆಯ ಆರ್ಥಿಕ ಪರಿಸ್ಥಿತಿ ಚೆನ್ನಾಗಿಲ್ಲ ಎಂಬುದಕ್ಕೆ ಯಾವುದೇ ಆಧಾರಗಳನ್ನು ಕೊಡಲಿಲ್ಲ.

ಸಂಬಳ ಸಹಿತ ರಜೆಯನ್ನು ಕೊಡಲು ನಿರಾಕರಿಸಿರುವುದು ಕಾನೂನು ಬಾಹಿರವಾಗಿದೆ. ಆದ್ದರಿಂದ ಸಂಬಳ ಸಹಿತ ರಜೆಯನ್ನು ಕೊಡಿಸಲು ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕಾಗಿ ಕೋರುತ್ತೇನೆ.

ನಿಮ್ಮ ವಿಶ್ವಾಸಿ,

LR 21-87-11 20-00 4/2/93

No. 1405

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
31 January 1893.
4-2-

Endorsement granted to Kempegowda and others of Kudegadde manjarabad Taluk
in reply to their Petition Registered No. 1405 dated 5-12-92.

Petitioners are informed that Government cannot interfere with the decree of a Civil Court. If Petitioners were dissatisfied with the Munsiff's decree, they should have preferred an appeal or moved for a revision of the Munsiff's proceedings under the Code of Civil Procedure. This application to Government is inadmissible.

2 The enc: is returned.

7/1

"By Order,"

Draft
(Dfg: Dewan's order)

Chief Secretary.

Rev N

Mysore Govt. Central Press, Bangalore.—5-7-92—1000.

N. 668
30

(15)

Bangalore, 27th July 1894.

From

The Registrar of the
Chief Court of Mysore

To,

The Chief Secretary to the
Dewan of Mysore.

Sir,

I am directed to request you will be so good as to cause to be sent to this Office the order or proceedings of Government, dated 10th September 1888 No 1083, relating to the Jodi village of Haralli in the Manyarabad Taluk and the correspondence which led to it, for reference in Second Appeal No 56 of 1893 before this Court. The order is referred to in a letter from the Deputy Commissioner, Hassan, to the Amildar of Manyarabad, dated 29th September 1888, which is filed as an Exhibit in the said appeal, a copy of which will, I am to add, be forwarded if necessary for the purpose of facilitating the finding of the documents applied for.

I have the honor to be,
Sir,
Your most obedient Servant.
H. Nagalatna Rao
Ag. Registrar.

Mm

LR 21-8-7-12

Correspondence & letter have it

R 31/7

(General Serial No. 30). 1218.

1894/95 J/26 (14)

From

The Registrar of the
Chief Court of Mysore.

To

The Chief Secretary
to the Dewan of Mysore.

Dated 27 July/94

Despatched 30 —

Received

Rec'd 7/8.

Copies of the following docts will be sent to the Chief C.

1. Pet'n of Rangegowda & others of Kadagudde village dy 1 Jan'y 1888.
2. Hassan Depn's No 623 dy 19 Mar: /88.
3. This office No: 3594. to the Supd Rev: Survey dy 13 Augt /88.
4. Survey Supd's reply No: 344 dy 17 Augt /88.

and

5/ Govt Pro: & letter No 1083 dy 10th Sept/88 to the Depn's of Hassan.

R
8/8.

Return the file to the branch concerned.

8/8

Enclosures No.

General No. 668
No. 30

Requests that the order or proceedings of Government dated 10 Sept/88, N. 1083, relating to the Jodi village of Harahalli in the Manjarabad Taluk and the correspondence which led to it, may be caused to be sent to this Office —

Jud
30.7.96

Recd: 31/7

No: 30. See page 4 part ii Rev: of the Monthly Proceedings Book for Sept/88 also No: 32 page 4 part ii of ditto for August/88

The Rev: Branch will please put up the Entire

Central Jail Press, Bangalore.—25-4-94.—500.

RO 2/8/94

N. 668
30

(15)

Bangalore, 27th July 1894.

From

The Registrar of the
Chief Court of Mysore

To,

The Chief Secretary to the
Dewan of Mysore.

Sir,

I am directed to request you will be so good as to cause to be sent to this Office the order or proceedings of Government, dated 10th September 1888 No 1083, relating to the Jodi village of Karahalli in the Manjarabad Taluk and the correspondence which led to it, for reference in second Appeal No 56 of 1893 before this Court. The order is referred to in a letter from the Deputy Commissioner, Hassan, to the Amildar of Manjarabad, dated 29th September 1888, which is filed as an Exhibit in the said appeal, a copy of which will, I am to add, be forwarded if necessary for the purpose of facilitating the finding of the documents applied for.

I have the honor to be,
Sir,
Your most obedient Servants.
M. Ayalatna Naidu
Ag. Registrar.

Vim

submitted to the Revenue Councillor for perusal.

29/9

(General Serial No. 305) Pet No 188

1896-97

REVENUE DEPARTMENT
No. 2299
SEP 96
REVENUE OFFICE

2687-14

Sd. Reads
1/10/96

Notes

From

The Registrar of the
Chief Court of Mysore.

(16)

To

The ~~General~~ Secretary
to the Government of Mysore.

Dated 23 Sept/96

Despatched 24

Received

Enclosures No. one

General No. 1926
No. 85

Forwards for the information of Government copy of Judgment in S.A.N. 71 of 1894-95 on the file of this Court.

2/10/96

Petition
24/9/96

Read
26/9

Sd
4.10.96

Central Jail Press, Bangalore.—18-12-95.—502.

No. 1926/85 Encl: one

Bangalore 23rd September 1896

(16)

From

The Registrar of the
Chief Court of Mysore.

To

The Secretary to the
Government of Mysore:

Sir,

Adverting to Second para of your letter No. 21500. / O.S. 101-93 dated 18th May 1895, I am directed to forward, for the information of Government, Copy of Judgment in Second Appeal No. 71 of 1894-95, on the file of this Court.

I have the honor to be,
Sir,
your most obedient Servant

Registrar.

LR 26-87-15

Desp 19/10/96 Pet 188 of 96
Kept in the judgment
(17) 18/10/96

From
The Secretary Bhi
Govt of Mysore & other depts

To,
The Registrar of the
Chief Court of Mysore

Dated 12th October/96

Desp?

Recd
No. 3825 & 8
0.596
Encls:

Sir With reference to
your letter No. 196
dated the 23rd ultimo I
am directed to request
Government a Copy of the judgment
of the Chief Court
in C.A No. 71 of 1894-9
on the file of the Chief Court
Referring to the above
request that you will
be good as to send to
Government the records
Case & Mrs Appeal
for reference.

I am
Sir
Your most obedient
Servant
12/10
for Secretary

11/10/96

N. 2606/196 In: Records

Bangalore, 21st October 1895.

(18)

From

The Registrar, etc.
Civil Courts, Bangalore,

To,

The Secretary to the
Government of Mysore,
General and Revenue Department.

Sir,

I am directed to request that you will be pleased to move Government to order the return to this Court of the records in Second Appeal No. 71 of 1894 — Somayanarayanappa v/s Jayaramaiah — now on the file of the Court of the Subordinate Judge of Kolar, as the same may be dispensed with, as they are no longer required.

I have the honour to be,
Sir,
Your most Obedient Servant,

Registrar.

Registrar's Initials

Mitu

No 244.

(20)

Survey Superintendent's Office
Bangalore 4th August
1888.

To

The Chief Secretary
to the Dewan of Mysore.

Sir,

I have the honor to report as follows with reference to the orders of the Dewan c/o $\frac{3504-5}{102}$ dated Bangalore the 13th instant on the subject of the survey settlement of the Jodi village of Narihalli in the Channarayadrug Taluk.

2 There can be no doubt I think that the announcement and introduction of the rates are identical and the — settlement must in the present case be considered to be complete.

3 Under the provisions of the new Land Revenue Code which however is not yet law in Mysore proposals should be submitted for the introduction of the survey assess-ment in Inam villages but under Act I of 1865 it was ruled by the Bombay

Bombay Government G. R. No. 5921
of 16th December 1878 that the report
in the case of Inam villages in already
settled [redacted] might be dispensed
with, in which the same practice
has been followed.

I have the honor to be
Sir
Your most obedient servant
(Sd) J. P. Grant
Supt Mysore Rev. Survey

'Copy'

Compiler
In charge Supt's Office.

(21)

No. 2097

23.5

Lk 26-87-18

Genl. Reid's

Please put up the Proceedings of 3394-5 of 1898 with 102 to in the Rev. Smith's letters

AK
6/8/98

To Genl Branch

Please forward the 3394 & 95 of 1898 and connected papers with this and send to Persia Branch

Lig
8/8/98

RJB 8/8/98

Papers sent to the Persia Branch

RJB
8/8/98

AK
8/8/98

Mbd

Mby
10/8/98 Resp from Genl Branch

to be made into complete (letter no bound but with appendix)

10/8/98

Attended to
11/8

1) Take out Nos 12, & 15/17
out of the file of BL/C Documents
(keep the file) & insert them
in the Resp from Genl Branch papers

GEVERNMENT OF INDIA
GENERAL No. 846
AUG 4 1898
FOREIGN OFFICE

No. 48 1898

From

The Deputy Commissioner
Hassan District

To

The Secretary to the
Government of India
General and Rev. Departments
Bangalore

Dated 30th July 1898
Despatched 1 Aug 1898
Received

General No. 96
No.

Enclosure No. 2 Ltr: 30.7.98
In reply no: 6367 & 13 January 98

Submitting for information of Government Survey Superintendent Yadi with its enclosure in re the survey and settlement of the Yadi circle of Hirihalli in the Manjeratead Taluk

Petition

4/8

Ltr
5/8

No. 16.

Deputy Commissioner's office,
Hazara Division.
Dated, Hazara, 31st July 1898.

From,

D. Donaldson Esqre
Deputy Commissioner,
Hazara Division.

To

The Secretary to the
Government of the Punjab
Genl and Ecc. Depart.
Lahore.

Sir,

With reference to your Endt
No 6367 dated 18th January 1897, Political
P. No: 1106
for a report as to whether the withdrawal
-tion, in 1890, of the Survey Establishment
into the Jadi Khel Khattak country
-tabad Sarai was with the sanction
Government, I have the honour to sub
-mit herewith, for the information
of Government, Yadi No 3076/12 dated 28th
June 1898 with its enclosures, receive
from the Superintendent of Trans
Survey in the matter from which
it will be seen that Survey and
Settlement had been withdrawn entirely
the said tract in 1888.

I have &c

Deputy Commissioner

(2)

Draft

LR 26-87-1a

To The Registrar of the
Chief Court-
P

No 1271/87-88 S 15.5.88
Correspondence starting
with his letter No
His letter No 1926/85 S
23/9/96 forwarding
copy of ~~Hist~~ the Judgment
of the Chief Court in S A
No 71 of 1894-95

Referring to the above
Letter the honour to
request that he will
be so good as to forward
a copy of the Judgment
in S A No 56 of 1893

(24)

REVENUE DEPARTMENT
1130
AUG 25 1898
OFFICE

(2)

(General Serial No. 30).

1898. Pet 83

From The Registrar of the
High Court of Mysore

To The Secretary to the
Government of Mysore
Genl Revenue Dept

LR 26-87-27

Dated 18

Despatched 24 August 1898

Received

Enclosures No. 1

General No. 1230
No. 39

Requesting grounds
a copy of judgment in R.
Miss Selby's case file
of this Court

Pet 31
27/8/98 83

Rs m 25/8/98

27/8/98 Containing the
reqn is put up

AK
26/8/98

Submitted
27.8.98

Central Jail Press,, Bangalore.—14-8-91.—3,703.

Defendants in accordance therewith.

The notification of 15th November 1883 had clearly for its object the prevention of hardship to the owners of Inam Villages. It therefore directed that, instead of the lands being sold when arrears of revenue accrued, they should be attached and managed by the Amildar of the Taluk, and the profits arising therefrom be applied in defraying the said arrears. From Rule IX it is clear that it was not intended that the village should "rest in Government" till after the period of twelve years; or if the application referred to in Rule VII was made within that period, till after the expiration of the period prescribed by the Deputy Commissioner for payment of any balance of arrears remaining unpaid. Till it so rested in Government, the property must be held to be managed by the Amildar on behalf of the Inamdars. As to the provision in Rule VIII that surplus receipts of years previous to that in which the application for restoration is made "shall be at the disposal of Government"

it

In the Chief Court of Mysore at Bangalore.

Friday the 24th day of July 1896.

Present.

J. M. Best Esqr., Chief Judge.

and

C. Veeraraghaya Esqr. Judge.

Second appeal no. 71 of 1894-95.

Gunja Gowda - - Appellant (1st Defendant)

&

Suryanarayappa - Respondent (Plaintiff)

Second appeal against the decree of the District Judge of Mysore, in appeal no. 114 of 1894, confirming the decree of the Court of the Munsiff of Hassan, in O.S. no. 586 of 1892.

This Second appeal coming on for hearing on Friday the 12th day of June 1896, the Court delivered the following

Judgment.

The Chief Judge:- The present case is distinguishable from S. A no. 56 of 1893, in that Defendants have failed to show that the Settlement was sanctioned by Government, or that Pattah was granted to the

Defendants

it seems to me that this means no more than that Government shall not be liable to account to the defaulting Inamdar for the receipts and disbursements of such previous years.

Rule IV no doubt directs that the Deputy Commissioner shall cause a detailed Survey and Settlement to be introduced into such village; but I do not understand that the Settlement here referred to is anything more than the Settlement of the amount payable to Government as assessment or godi. There is nothing in the notification to justify the holding that on the restoration of the village under Rule VII the godidar is not at liberty to demand from his tenants a higher rent than the amount settled on account of the godi. Rule 120 of the Land Revenue Code shows the Contrary.

The decrees of the Lower Courts appear to be correct; and this appeal must be dismissed with Costs.

G. Macnaghten Esqr:- I am also of opinion that the appeal ought to be dismissed. The Defendant adduced no evidence of the alleged Settlement: he has

has not proved that the Government sanctioned the settlement or that a pattah was issued to him. It was to enable him to adduce evidence to establish these points that the District judge remanded the suit. He intentionally abstained from giving any evidence. In this respect, this case is distinguishable from 2nd appeal No. 56, and there is no necessity to consider the provisions of the Land Revenue Code bearing upon the subject.

I would dismiss this appeal with costs.

a true Copy

Registrar

In the District Court of Bangalore.

Friday, the 7th day of September 1894.

Present

A. Ramachandra Iyer Esq, Judge

and

F. A. Richmond Esq, Judge.

Second Appeal No 56 of 1893.

Seeyanaranyaphpah Appellant (Plaintiff)

vs

Kempé Gowda Respondent (Defendant)

Second Appeal against the decree of the Sub Judge of Bangalore, in Appeal No 55 of 1892, reversing the decree of the Court of the Munsiff of Hassan, in Original Suit No 467 of 1891.

This Second Appeal coming on for hearing this day, the Court delivered the following

Judgment

A. Ramachandra Iyer Esq. The plaintiff and others, who were Jodidars of a village in Manjarabad Taluk, failed to pay the Jodi due from them to Government. The Deputy Commissioner of

Hassan

Hassan resumed possession of the village and caused it to be surveyed and settled in exercise of the power conferred upon him by Notification No 271 dated 18th November 1833 (p. 32, Mysore Revenue Manual). The Jodidars paid the arrear of Jodi and obtained possession of the village from the Deputy Commissioner. The defendant was a cultivator for Varam of a portion of the plaintiffs land. After the village was restored to the Jodidars, the plaintiff sued the defendant for arrears of Varam. The latter pleaded that the suit was barred, as the village had been settled and as a pattah had been given him for the land under his cultivation. The claim was decreed by the Munsiff of Hassan. The Subordinate Judge of Mysore reversed the decree and dismissed the suit. The plaintiff has made a second appeal, on the ground that the settlement did not affect the relation of landlord and tenant.

As the Judgment of the Lower Courts did not set out the facts of the case, we directed the Subordinate Judge to call for additional evidence and to try three issues which were framed by us, and we have also obtained from the Office of the Chief Secretary the papers which related

have no power to set in judgment over settle-
-ment Department. I am of opinion that the
Second appeal ought to be dismissed with costs.

—" —

P. V. Krishnamurthi Esq:— I am also of opinion
that the suit has been properly dismissed and
that there are no grounds to entertain this
Second appeal.

Although the investigation of the
Village took place after the Land Revenue
Code came into force, yet it is clear that
the Survey Settlement had been introduced
into the Village before the said Code became
Law. The rules under which the Village
was resumed and the Survey Settlement
introduced were those contained in
Government Notification dt. 24 dated 15th
November 1883. (Revenue Manual, page 32).

Under Rule 3, the effect of such
resumption would seem to be a total
extinguishment

extinguishment of the Inamdar's title and the establishment, in lieu, of the Government right. This rule directs that the lands of any village shall "revert" to Government. The restoration contemplated by Rule IV is a fresh grant and an act of indulgence to the Inamdar. That this is so is further borne out by the provision contained in Rule VIII that "the surplus proceeds, if any, of previous years, shall be at the disposal of Government." The correct interpretation of these rules seems to be that, during the time the Government keeps each village in its management, the ownership of the Inamdar for the time being will be suspended. The Government will be, to all intents and purposes, full owners, although, as an act of grace, the Government has declared its intention to restore it if, within a period of twelve years, certain conditions are fulfilled. The sale was stopped, as the Government wished to keep the freedom of action in its own hands and any transfer of ownership to

others

other than government would completely incapacitate a defaulting Inamdar from recovering his village at any time. In doing so, the Government did not step in as manager or trustee but issued the lands of the village to revert to him free of all incumbrances.

Viewing the transaction in this light, it becomes plain that the government acted as full proprietors. Setting out Watan lands on settled rates of landlord tenure is an evident of such proprietorship. The record of Revenue Officers is discernible in these records. The Settlement itself is a disposal of the reversionary rights, and when lands are given away to occupants at the time of settlement, it is incorrect to argue that the Inamdar who was, at no time, the actual cultivant of the soil, should have been treated as the absolute owner of the ante-Survey period. He was collecting the Tara produce as the proprietor

of

of the village and such right is conveyed by the Survey Settlement into one of receiving the Kandayam. The restoration does not abrogate all the liabilities to which the Government has entitled with the actual resumption of the soil. There is no express declaration by Government as to how long the rights of the Rayat created thus are to continue and how they can be terminated and under what conditions, analogously to Section 237 of the Land Revenue Code. The terms of the guarantee must, therefore, settle these matters. There is a Bombay Government Resolution (G R. No 3045 dated 14th April 1884, page 209 of H. C. Sattey, annotated Edition of the Land Revenue Code, Bombay, 1892) that "when the term for which a Survey Settlement is introduced in an Inam village (prior to the passing of the Code) expires, the mutual relation of the Inamdar and his Rayats reverts to the *Status quo ante* and Government are powerless to insist on the Inamdar to adhere to the terms of that Settlement

in

in the absence of any agreement to "mitigate" to give such Ryot to the benefits secured by Section 237, the taking of such an agreement would have been a desirable precaution on the part of Government, but it is not necessary to refer to this contingency any further. — During the time the present settlement lasts the Ryot is bound by the terms thereof and he is not entitled to go back to the period of his tenure.

I agree to this Second Appeal being dismissed with costs.

A true copy

[illegible]

Registrar.

Clerk

Lr. p. 30
39

From,

The Registrar of the
Chief Court of Mysore

To-

The Secretary to the
Government of Mysore
General and Revenue Depts

Sir,

I have the honour to forward herewith a Copy of Judgment in O.S. No. 271 of 1887 of the file of this Court, and to request that you will be pleased to move the Government to direct the Advocate-General to file a memorandum of appeal in the case.

I have the honour to be,
Sir,
Your most obedient servant,

Registrar

Bgre

(23)

LR 26-87-22

Page of the Encumbrance

Read :-

The following Judgment of the Chief Court copy of which was received with Registrar's letter No 1956 S 23-9-98

(Enter it in Extenso)

Draft for appl
Secretary to Govt
by DFC

2. The following Judgment of the Chief Court referred to in the above

(Here enter the Judgment in S.R.O.s in Extenso)

RD 40 Encl.
18.9.00.

2996-3004
02-9-98

Chief

(458)

The Government observe that the effect of the above Judgment is to render a Survey settlement under Section 120 of the Land Revenue Code & the Revenue Notification for which it was ordered revocable at the option of the reclaimed Grantee

and the Commissioner of Lands
in Mysore, will be requested
to favour Government with their
opinions as to whether
a rule may be laid down
making it obligatory on
the part of the holders of
alienated villages to respect
the settlements effected during
the temporary management
of such villages by Govt,
under the aforesaid Section
of the Land Revenue Code.

Draft

Comte
Secretary

Print

11.IX.00

17/9/00

To
The Dept of Revenue
Survey in Mysore
Bangalore.

Sir,
I am directed by the Commissioner of Lands

23

1900-1901

GOVERNMENT OF MYSORE

PETITION

PROCEEDINGS

Dated 11th October 1900

No. 2996-3004
Pet.F. 9-98

Requesting the Superintendent of Revenue Survey in Mysore and the Deputy Commissioners of Districts to favor Government with their opinions as to whether a rule may be laid down making it obligatory on the holders of alienated villages to respect the settlements effected during the temporary management of such villages by Government.

S3P—30-10-1900—200